

DOCKET NO. D-2003-18

DELAWARE RIVER BASIN COMMISSION

**Ockels Farm
Ground Water Withdrawal
Milton, Sussex County, Delaware**

PROCEEDINGS

This is an application referred to the Commission, pursuant to an Administrative Agreement under Sections 2-3.4 (a) and 2-3.7 of the *Administrative Manual - Part II, Rules of Practice and Procedure*, by the Delaware Department of Natural Resources and Environmental Control (DNREC) on June 11, 2003, for an allocation of ground water and review of a ground water withdrawal project. The project wells were approved by the DNREC on March 14, 2003 (Permit No. 03-0005A), subject to approval by the Delaware River Basin Commission (DRBC).

The application was reviewed for approval under Section 3.8 of the Delaware River Basin Compact. The Sussex County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on January 21, 2004.

DESCRIPTION

Purpose. – The purpose of this project is to supply up to 135 million gallons per 30 days (mg/30 days) for supplemental irrigation of the applicant's vegetable and fruit tree farms.

Location. – The project wells are located in the Cedar Creek and Broadkill River watersheds, as follows:

WELL NO.	LATITUDE (N)	LONGITUDE (W)
1	38° 49' 14"	75° 21' 56"
2	38° 49' 42"	75° 21' 18"
3	38° 49' 15"	75° 19' 59"
4	38° 46' 51"	75° 20' 26"
5	38° 48' 55"	75° 18' 34"

The project wells are located in the Columbia Formation.

Area served. – Wells Nos. 1 through 5 will serve only the applicant's farm property.

Physical features. –

a. **Design criteria.** – Ockels Farm maintains 14 wells for use in providing supplemental irrigation to approximately 1,600 acres of grain vegetable and fruit tree farms: Five of the 14 wells are located in the Delaware River Basin; the other 11 are located west of the basin boundary. The five wells in the Delaware River Basin (Wells Nos. 1 through 5) will provide supplemental irrigation to approximately 500 acres of grain vegetable and fruit tree farms. Reported maximum water demand for the irrigated farm acreage in the Delaware River Basin is 135 mg/30 days, which is reasonable and corresponds well to equivalent irrigation projects located in similar soils and topography. The agricultural irrigation will take place between March 1 and November 1.

The project wells are above the 100-year flood elevation.

FINDINGS

The project is designed to conform to the requirements of the Ground Water Policy of the DRBC.

The DNREC water allocation is valid for a period of 30 years from date of issue, with review every five years.

The DRBC estimates that the project withdrawals, used for the purpose of agricultural irrigation, result in a consumptive use of 90 percent of the total water use. The DRBC definition of consumptive use is that water which is depleted or evaporated and, for all practical purposes, removed from the hydrologic cycle.

The project does not conflict with the Comprehensive Plan, and is designed to prevent substantial adverse impact to the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

DECISION

I. The project as described above is approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

- a. Approval is subject to all conditions imposed by the DNREC
- b. The wells shall be available at all times for inspection by the DRBC.
- c. The wells shall be operated at all times to comply with the requirements of the ground water policies and standards of the DRBC.
- d. During any 30-day period, the withdrawal from all wells shall not exceed 135 million gallons.
- e. The proposed wells shall be equipped with readily accessible capped ports so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports as repairs or modifications are made at each existing well.
- f. The project wells shall be metered or equipped with a device that records the total hours of operation of the pump. A record of biweekly withdrawals shall be maintained and monthly totals shall be reported to the DNREC annually.
- g. Sound practices of excavation, backfill, and reseeding shall be followed to minimize erosion and deposition of sediment in streams.
- h. No new water service connections shall be made to premises connected to sewerage systems that are not in compliance with all applicable water quality standards of the Commission.
- i. Nothing herein shall be construed to exempt the applicant from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.
- j. The area served by this project is limited to the service area as described above. Any expansion beyond this area is subject to review in accordance with Section 3.8 of the *Compact*.
- k. This approval will be reviewed within ten years of the date of approval, and unless renewed, this approval shall expire ten years from the date of approval.

l. The issuance of this withdrawal permit shall not create any private or proprietary rights in the water of the Basin and the Commission reserves the rights to amend, alter, or rescind any actions taken hereunder in order to insure the proper control, use, and management of the water resources of the Basin.

m. If the operation of this project significantly affects or interferes with any domestic or other existing wells or surface water supplies, the applicant, at its own cost, shall investigate valid complaints by users of wells or surface water supplies within the zone of influence of the diversion. Any well or surface water supply which is substantially adversely affected, or rendering it dry or otherwise unusable as a result of the applicant's project diversion, shall be repaired, replaced or otherwise mitigated at the expense of the applicant. A report of investigation shall be submitted to the Executive Director of the Commission as soon as practicable. The Commission shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

n. For the duration of any drought emergency declared by the Commission, water service or use by the project applicant pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the DNREC to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter.

o. The applicant shall incorporate and implement reasonable conservation practices and measures consistent with efficient utilization of water resources.

BY THE COMMISSION

DATED: